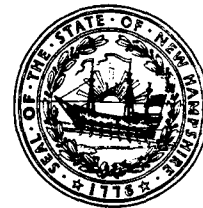




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-1370 FAX (603) 271-1381



December 19, 2000

Mr. David C. Lent, P.E.
Asst Dir. DPW/Highways
Department of Public Works
Town of Merrimack
P.O. Box 940
Merrimack, New Hampshire 03054

CERTIFIED MAIL (7099 3400 0002 9769 7440)
RETURN-RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 2000-017

RE: Open Burning of Materials that Do Not Conform to the Provisions of CHAPTER ENV-A 1000 and PIP Authorization No. 9281

Dear Mr. Lent:

On April 13, and September 26, 2000, the New Hampshire Department of Environmental Services, Air Resources Division (DES), performed an inspection at the Merrimack Solid Waste Landfill (Landfill) located on Fearon and Lawrence Roads at Tax Map 7-B, Lot 15 in Merrimack, NH. The purpose of the inspection was to determine compliance with the NH Administrative Rules Env-A 100-3600, NH Rules Governing The Control of Air Pollution, specifically, CHAPTER Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and AUTHORIZATION TO BURN WOOD & YARD WASTES, PIP No. 9281 ("PIP No. 9281") which authorizes the Town of Merrimack to operate a municipal burn site for untreated wood and brush.

At the time of the April 13, 2000 inspection, the DES inspector observed two burn areas. The following non-conforming materials were contained in the first burn pile: furniture, waferboard, plywood, painted wood, shingles, insulation, tar paper, linoleum, one skate board, wood over 5" diameter, cardboard, paneling and one ski. The second pile contained the following non-conforming materials: painted wood, pressure treated wood, aerosol cans, metal, plastic, dry wall, carpet, and shingles. Also, during the inspection a resident was observed dropping off and dispensing into the brush pile a small pickup truck load of non-conforming materials, specifically, stained wood.

On September 15, the Landfill and DES received a complaint concerning smoke and odor from the burn pit. The pile was smoldering and almost out when the Landfill received the call so they decided to finish the burn. As a result of the complaint received, DES inspected the burn site on September 26, 2000. Conforming materials were observed in the burn pile, but non-conforming materials were observed in the ash pile, specifically, it contained the remains of four tires and one wheel rim.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Condition 2(a)(b) of PIP No. 9281, and Env-A 1001.05.

Env-A 1001.04(a)(2) restricts any city or town to burning only brush or untreated wood.

Condition No. 2(a)(b) requires all burning to be conducted in accordance with the requirements of Env-A 1000 and that the following materials only shall be accepted and treated at the burn site:

- a. **"Brush"**, defined to mean tree tops, limbs, saplings, and tree cuttings, to include attached leaves which are five inches in diameter or less, and slash which measures five (5) inches in diameter or less; and

- b. **"Untreated wood"**, defined to mean any timber, board, or sawn dimensional lumber which has not been treated, coated, or preserved. This term does not include any manufactured building material, such as plywood or waferboard.

Env-A 1001.05, Absolute Prohibition Against Burning Tires and Tubes specifies that no tires, tubes or any portion thereof shall be burned in the ambient air at any place in the state for any reason and that tires, tubes or any portion thereof which are received at any dump shall be separated from the waste and disposed of by a feasible means other than open burning.

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

1. Separate materials that do not meet the specifications of Condition 2 of PIP No. 9281 from the burn area, and burn only permissible materials as described in PIP No. 9281;
2. Refrain from burning tires; and
3. Submit a statement in writing to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue they will be conducted in accordance with PIP No. 9281 and Env-A 1000.

Attached is a copy of PIP No. 9281 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Ms. Mary Ruel
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event that compliance is not achieved within the specified time frame or maintained, DES may take further action against you, including issuing an administrative order, seeking administrative fines, revoking PIP No. 9281, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties. Please note that DES may conduct follow-up inspections to verify your compliance with air pollution control requirements.

If you have any questions concerning this letter of deficiency, please contact Ms. Mary Ruel, Enforcement Section Supervisor, Compliance Bureau, Air Resources Division, at (603) 271-6795.

Sincerely,



Robert R. Scott
Chief Air Programs Administrator
Air Resources Division

Enclosure: PIP No. 9281 and Env-A 1000

cc: K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region I
R. Reed, DES WMD
Bill Adair, Attendant
Steve Doumas, Landfill Foremen
Antone Holevas, Board of Selectmen, Chairman